

By: Rodríguez, Garcia

S.B. No. 475

A BILL TO BE ENTITLED

AN ACT

relating to safety training for employees performing construction work under a contract with a governmental entity; providing administrative penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 2252, Government Code, is amended by adding Section 2252.902 to read as follows:

Sec. 2252.902. SAFETY TRAINING REQUIRED FOR EMPLOYEES PERFORMING CONSTRUCTION WORK UNDER CONTRACTS WITH GOVERNMENTAL ENTITIES. (a) In this section:

(1) "Advanced construction safety training" means a construction and general industry safety training class approved by the federal Occupational Safety and Health Administration that is at least 30 hours in duration.

(2) "Construction contract" means a contract or agreement for the performance of general construction for a governmental entity.

(3) "Construction safety training" means a construction and general industry safety training class approved by the federal Occupational Safety and Health Administration that is at least 10 hours in duration.

(4) "Contractor" means a person, firm, or corporation contracting with a governmental entity for general construction.

(5) "Employee" means an individual paid by a

1 contractor or subcontractor to perform general construction work or  
2 services.

3 (6) "General construction" means:

4 (A) erecting or preparing to erect a structure,  
5 including a building, bridge, roadway, public utility facility, or  
6 related structure;

7 (B) remodeling, extending, repairing, or  
8 demolishing a structure; or

9 (C) otherwise improving real property or a  
10 structure related to real property.

11 (7) "Governmental entity" means:

12 (A) this state; and

13 (B) a political subdivision of this state,  
14 including a municipality, county, public school district, or  
15 special-purpose district or authority.

16 (8) "Subcontractor" means a person, firm, or  
17 corporation contracting with a contractor for general  
18 construction.

19 (b) To the extent consistent with federal law, a  
20 governmental entity that enters into a construction contract must  
21 require that the contractor ensure that all employees working on  
22 the general construction site that is the subject of the  
23 construction contract have completed construction safety training.  
24 Before an employee works on the general construction site, the  
25 contractor must receive and provide to the governmental entity a  
26 certificate of training completion for the employee.

27 (c) To the extent consistent with federal law, a

1 governmental entity that enters into a construction contract must  
2 require that the contractor ensure that at least one supervisor  
3 working on the general construction site that is the subject of the  
4 construction contract has completed advanced construction safety  
5 training. Before work begins on the general construction site, the  
6 contractor must receive from at least one supervisor a certificate  
7 of training completion and provide the certificate to the  
8 governmental entity.

9 (d) A governmental entity that enters into a construction  
10 contract shall include in the contract notice and penalty  
11 provisions that:

12 (1) require the governmental entity to provide the  
13 contractor with written notice, hand delivered or by certified  
14 mail, of a violation of Subsection (b) or (c) by the contractor;

15 (2) require the contractor to comply with Subsection  
16 (b) or (c), as applicable, by the 20th day after the date the  
17 contractor receives any notice of noncompliance;

18 (3) inform a contractor that the governmental entity  
19 may impose an administrative penalty if the contractor fails to  
20 comply with Subsection (b) or (c), as applicable, after the 20th day  
21 after the date the contractor receives any notice of noncompliance;  
22 and

23 (4) explain that a penalty amount may be withheld from  
24 a payment otherwise owed to the contractor under the construction  
25 contract.

26 (e) The amount of a penalty imposed under Subsection (d)(3)  
27 is \$100 per day for each employee working in noncompliance.

1        (f) Each governmental entity shall develop procedures for  
2 the administration of this section.

3        SECTION 2. Section 2252.902, Government Code, as added by  
4 this Act, applies only to a contract for which the solicitation of  
5 qualifications, proposals, or other similar expressions of  
6 interest is published on or after September 1, 2017.

7        SECTION 3. This Act takes effect September 1, 2017.